

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

United States Courts  
Southern District of Texas

FILED

## UNITED STATES DISTRICT COURT

JUN 22 2020

for the

David J. Bradley, Clerk of Court

Southern District of Texas

Houston Division

Case No.

4:20-cv-2195

(to be filled in by the Clerk's Office)

Agustin Calderon

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See attached

Bruce Johnson . A

Kenneth Hutto . E

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Defendants Names

Phillips, Deborah.A

Little, Karen.L

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Agustin Calderon

All other names by which  
you have been known:

Augustine<sup>JR</sup> Cruz old n: 1491927

ID Number

2200225

Current Institution

East Ham unit

Address

2665 Prison Road #1

Love Lady

TX

75881

City

State

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

Phillips, Deborah A

Job or Title (*if known*)

Grievance Investigator

Shield Number

dont know it

Employer

East Ham unit

Address

2665 Prison Road #1

Love Lady

TX

75851

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

**Defendant No. 2**

Name

Little, Karen L

Job or Title (*if known*)

Grievance Investigator

Shield Number

dont know it

Employer

East Ham unit

Address

2665 Prison Road #1

Love Lady

TX

75851

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Bruce Johnson .A  
 Assistant Warden- Bruce Johnson .A  
 East Ham Unit  
 2665 Prison Road #1  
 Love Lady TX 75851  
City State Zip Code

☐ Individual capacity ☒ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Kenneth Hutto .E  
 Assistant Warden  
 East Ham Unit  
 2665 Prison Road #1  
 Love Lady TX 75  
City State Zip Code

☐ Individual capacity ☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

under  
 - the First Amendment, Fifth and Fourteenth Amendments - my Constitution  
 guarantees to Access to courts. And due process of Law

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D.) Under Color of State or Local Law

All four defendants named in this complaint are violating the immunities secured by the Constitution and laws. Prisoners have a fundamental right to access and use the court system. This right is based on the First, Fifth and Fourteenth Amendments to the Constitution. Under the First Amendment I have the right to "petition" the government for a "redress of grievances" and under the Fifth and Fourteenth Amendment I have the right to due process of law. They have also violated 3 different grievance policy's and Authority's under T.D.C.J control.

Investigator Phillips, Deborah A and Investigator Little-Karen L are responsible of conducting the investigations on most of the Step 1's. They haven't attempted to answer all Law Library Step 1's. Investigators don't answer I-60 or complaints requesting some answers. My question is How I am I going to solve my problems?? This is how Both investigators acted under color of State or local Law.

Assist Warden Bruce Johnson, A and Assist Warden Kenneth-Hutto, E are responsible in answering all Step 1's. I wrote both Assist Warden's expressing them my concerns and my problems through I-60 and in a complaint. No response. The Step 1's time dead line to answer them has expired. According to grievance policy they have to notify you if denied etc. They both failed to notify me and carry there duty's under the professional norms. This is how Both Assist Wardens acted under color of State or Local Law.

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Page Attach

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

not apply  
N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

✓  
Page Attach ✓

3.) If the events giving rise to your claim arose in an institution describe where and when they arose..

After reviewing my constitutional rights and 3 different grievance policy's, rules, and procedures. I notice grievance Investigators and Assist Warden's violate grievance policy's, rules, and procedures. This is how I found out grievance Investigators and Warden's are corrupt. On 7-2-2019 Officer Joanna Blaylock gave me a bogus code 20 only because I was using the toilet without a sheet hanging. Around 6-26-2019 I made a complaint against another offender How was verbally sexual harass me. So I was placed in D line seg. Around 7-10-2019. On 7-16-2019 some one send a female officer trying to convince me to sign a document of miranda rights. I asked that officer what is this document for? She told me she did not know. I told her is not even your job trying to convince me to sign this document. Later on the same day I received disciplinary hearing results notification on 7-16-2019. I appealed the decision Assist warden Johnson took care of my step 1. While my step 1 was in progress I requested to hear the recording of disciplinary hearing Assist warden Johnson never answerd, Captain reed never answerd, Substitute counsel never answerd, grievance Investigators never answerd. this is the hearing report number 20190265963 this is step 2 #201956983 After my Appeal got denied this means step 1 and step 2 got a final response I left things alone.

I've been fighting over indigent supplies for about 12 months. grievance investigators along with Assist warden K. Hutto has done nothing to stop officer Officer Kitchens misconduct. Personnel from the Lawlibrary. Officer Kitchen continuously denies me a pen, or paper, carbon paper. I am tired of fighting over indigent supplies and case cites IF this keeps on happening sooner or later I will be affected. On 12-27-2019 I got the bad news that my Direct Appeal got denied this is my Attorney's name Joel H. Bennet + number 281-389-2118. I started litigating immediately when "boom" a obstacle was put in my way on 12-30-2019 the hole unit was lock down.



3.) annual lock down. While the Unit was lock down I requested lots of case cites they never answered my I-60 or requests. On 1-9-2020 I asked the Law library Supervisor ms. Sperlock to File what ever documents she needed to File in order to get extra time. Law library Supervisor along with Assist Warden K. Hutto told me I did not qualify. I wrote Step 1 and a Step 2 regarding denial of extra time "Huntsville" has not answer yet. I File for extension of time in the court of criminal appeals I got approved and set for 3-23-2020. This is another obstacle that was put in my way I've been sick of an unknown nose-throat problem U.t.m.b. Came pick me up around 3-9-2020. I really needed this appointment but my time dead line was in my way so I refuse. Then on 3-8-2020 I put my indigent folder in the Box "requesting Emergency Indigent supplies, please again officer Kitchen denied me supplies when I needed them the most. I sent my indigent folder back on 3-11-2020. I never received my emergency supplies my indigent folder was "lost" for 12 days. I wrote a Step 1 on 3-19-2020 "no response". I received my indigent folder back on 3-23-2020 when my time dead line was due. I received my indigent folder by officer "Kenta". The Court of Criminal Appeals warned me no more extension's or time entertain.

Now my sickness is getting worse. now I have to depend on a fan in order to breath correctly. Medical extended my medical Appointment 5 month's From 3-9-2020.

my safety, wellbeing, is in danger do to this Lawsuit and other issues I've been going through. I truly need help your honor. I've asked my self repeatedly How I am I going to solve my problems IF the grievance procedures dont work?? They dont answer my I-60 they "steal" my documentary evidence when I submit Step 1's. They haven't solved none of my problems.



- 3.) 1. I will continue to have time deadlines in my Criminal Appeal process.
2. I will continue to need Extratime when time deadline, Court order
3. I will continue to need indigent supplies.
4. I will continue the need to File papers with the Court
5. How I am I going to exhaust Administrative Remedies??
6. How I am I going to solve issues with other offenders and T.D.C.J. Officials.

Investigators are responsible in conducting the investigations but Assist warden Johnson and Assist warden Hutto have the responsibility in answering Step 1's.

Both Assist Warden's play a big role in grievance procedures they have the power to agree or disagree with the investigator investigation and decide if violations of T.D.C.J. were sustained or unsustained. They can also agree or disagree on constitutional violations.

Assist Warden Johnson and Assist Warden Hutto are misusing there power. Offender Calderon shouldnt be going through this civil process if they were doing there job.

The Right of Access to courts are offender Calderon constitutional guarantees under the United States Constitution.

Grievance Investigators ms. Phillips and ms. Little Assist Warden - Hutto and Assist Warden - Johnson this four individuals dont care about a "Court order" or a time dead line or a criminal appeal process

I stated my emergency need for their help through grievance procedures no action was taken. they have proven to me in multiple occasions that my constitutional guarrahteas are worth nothing.

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Your honor in order to understand Policy violations on how grievance investigators and Assistant wardens violate them please <sup>read</sup> them. They will open your eyes. Please take a look at the following policy's: 3 different grievance policy's

1. Board Policy - number BP.03.77 please take a look at the Authority  
2. Administrative Directive Policy - number A.D-04.35 - Please take a look at the Authority.

3. Management of Offender Grievances Policy - number: A.D 03.82  
Please look into the Authority

Also please look into Law Library Policy and Procedures - Policy B.P 3.81  
To tell you the truth your honor I would of lost my time dead like do to Officer Kitchen repeated misconduct this is one of my main claims. I thank my Lord Jesus for the wisdom and the understanding, I knew deep in my heart if I didn't come up with 16 stamps, 2 minila envelopes I was going to lose my time dead line and this important step in my criminal Appeal process. Officer kitchen has always denied me indigent supplies since I've been here in East Ham unit.

How's going to take care of my life, safety, wellbeing if the grievance procedures don't do ~~nothing~~ for me

How's going to solve medical malpractice if medical messes up  
Grievance procedures don't do nothing for me.

"the constitutional violations will continue until I end up Dead."

If you want to know more about my safety. Please talk to the Chief of Classification J. Davis

Case manager from Classification

1. Simon, Roxanne

2. Smith, Crystal

3. Jackson Stephanie

I will like you to know that I just got another Bogus case on 6-4-2020 case: 20200208386 just to keep me out

Statement of Claim - B page 4

IV. Statement of Claim

1.) What are the facts underlying your claim(s)? [For example:  
 What happened to you? Who did what? Was anyone else involved?  
 Who else saw what happened?] Investigators and Assist Wardens  
 don't consider my step 1's. In one occasion Officer Blacklock gave  
 me a Bogus code 20 Disciplinary case. no type of procedures were  
 followed. The results were 1 year G4 I did appeal nothing was considered  
 I was wrongfully punished without evidence and cause. Both Assist Wardens  
 were involved and did nothing. I wrote several step 1 on Officer Kitchen  
 -aw library personnel for intentionally denying me indigent supplies and  
 nothing is being done for me. medical care is bad. my grievances are  
 my witnessed with dates and times I am also including complaints.  
 I've tried to keep Senior Warden updated of my problems Please talk to  
 adm.

V. Injuries If you sustained injuries related to the events alleged above  
 describe your injuries and state what medical treatment,  
 if any, you required and did or did not receive.

If Grievance procedures keep's on doing what they want, I can lose  
 a time dead line, court order, I can lose my life in this prison  
 system. Grievance procedures play a big and important role in  
 the T.D.C.J. system. Without the proper mechanism in the grievance  
 procedures I will suffer irreparable harm that money can not  
 cure.

VI. Relief State briefly what you want the court to  
 do for you. I need an emergency preliminary injunction  
 because my constitutional rights are continuously being stepped on  
 no respect. I am going through severe problems, my life and wellbeing  
 is being put in jeopardy. I don't get the right medical care,  
 officer, kitchen and supervisor Sperlock Law library personnel is  
 making my criminal appeal process impossible. Major Andrew don't  
 really care about solving my safety issue why? He feel like the  
 grievance procedures got his back. The grievance procedures don't  
 function. Any way you want to look at it. If some one doesn't  
 help me I am going to die in East Ham unit.

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C. What date and approximate time did the events giving rise to your claim(s) occur?

I started writing grievances in July, 17 2014 appealing a bogus code 20 after being wrongfully punished. the defendants misconduct and constitutional violation has been going on for 10 months to updated date.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) Investigators and

"Page Attach"

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

"Page Attach"

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

"Page Attach"

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

---

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

N/P

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

I also file STEP-2 Huntsville has not respond

Grievance office here in Easthampton take care of Step 1's

2. What did you claim in your grievance? Constitutional Violations, T.D.C.J Policy Violations, P.D 22 Officer Violations

3. What was the result, if any? When I file Step 1 towards Officer

Kitchen Law Library Personel I get negative responses. and no good results. I really dont get good responses in none of my grievance or any good results.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I am providing Identical copy's of Step 1 and Step 2. That haven't been answered. I need help in get answers from my Step 2 from Huntsville. I also need answers from Step 1's. with good results. Documentary evidence Exhibits and letters will be Attach



## F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: How I am I

going to file a Step 2 without an answer of Step 1  
 I truly feel like some prison officials are plotting against me  
 because I am concentrating on certain problems that I want to  
 fix. I can't give all my problems.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

on my safety issues, I complain  
 with major Andrew, chief of classification, no response. on my medical  
 issues I complain with doctor Hasan. he's response was reschedule  
 to tell you the truth I have so much problems I can only file certain  
 ones. I need help emergency

## G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

How I am I going to exhaust administrative remedies  
 with out a Step 1 response? Grievance Investigator steal my  
 documentary evidence true facts. Without the proper function in the grievance  
 procedures my constitutional guarantees will continue to be violated.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your  
 administrative remedies.) I will attach exhibits.

## VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A



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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

not apply  
N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

not APPLY  
N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

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your only Step 1 that was  
still open was

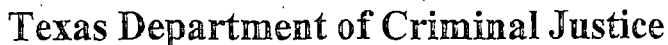
2020116900 - which was  
Closed by Medical on 6/1/20

And was not due until 6/21/20

your only open grievance  
is 2020127444 & its not  
due 7/7/20 which is on me.  
MS Phillips

MS. Phillips cant seem to remember my Law Library step 1's

Exhibit



## OFFICE USE ONLY

Grievance #: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Due: \_\_\_\_\_

Grievance Code: \_\_\_\_\_

Investigator ID #: \_\_\_\_\_

Extension Date: \_\_\_\_\_

Date Ret'd to Offender: \_\_\_\_\_

Who did you talk to (name, title)? is in charge of Law Library When? 1-9-2020

What was their response? they told me I don't need extra time

What action was taken? no Action taken

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

In 1-9-2020 I wrote Administration to how ever is in charge of Law library, I told them I needed time off my job or to please help me find the correct solution to this conflict of time. I have ~~to the Justice at 2:00 PM~~  
File a p.d.R to the court of criminal appeals. I have a time deadline of 30 day's I've lost at least 14 day of research because Law library don't send me books, case cites the clock is ticking and I'm losing a lot of time. I need extra time to find the correct case cites that fit my Argument. Well they denied me extra time. Therefore How ever is in charge of Law library is in violation of Policy, rules, Procedures, Rules governing offender access to the courts, counsel and public officials this rules were developed for the purpose of assisting offenders with their legal documents, case cites requested etc they are also in violation of the 14 Amendment constitution of the United States. That protects and shields and should guarantee the prisoner to a successful Appeal. Successful should be accompanied with, extra time, All case cites needed, Access to books needed to accomplish what needs to be accomplished. we as appellant need help. I can't accomplish my appeal without research. Do to all this intentional delay's I am backet

**YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM**

(OVER)

I got answer.

ev. De. cc.

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Hi Mr. Sperlock I would like to inform you that my appeal was denied. I would like for you to submit what ever documents that needs to be submitted. In order to get extra time, I do have time dead line. I can show you my attorney letter telling me I have 30 day's for a P.D.R. I would like to borrow the offenders legal counsel book chapter 3 so I can submit what ever motions that needs to be submitted. I've also requested some case cites and nothing has been brought to me. I never get response from my I-60

Agustia, Calderon

2200225

East Ham

K-1-18-T

Field Squad 2

To Law library

Supervisor Ms. Sperlock

1-9-2020

East Ham

emergency

this two I-60 are identical Handwritten copy's

Hi I would like to see how can I get some time off my job my appeal was denied so now I have a time dead line. my life is depending on my work so it's very important that I concentrate on my legal work. I wrote today to supervisor Ms. Sperlock asking her to do what ever she needs to do in order for me to get extra time. my job is a conflict between time. I already went through this once with Ms. Sperlock it's my constitutional right under the 14th Amendment to proceed with my appeal in a very smart manner please help me find the correct solution to this conflict of time

Agustia Calderon

2200225

East Ham

K-1-18-T

emergency

Field Squad 2

To: How ever supervises Law library

1-9-2020

Administration

East Ham unit

this is part of Exhibit A and B

This grievance was not even due until 2/12/20. I closed it on 2/6/20, returned to you on 2/7/20.

Now file a Step 2 if you choose. It was answered by Assit Warden Hutto

this is the people that I've talk to about my problems here in East Ham unit.

Justice - Russell Lloyd - In the Court of the First District of Texas.

Agent of the Government And Appeal Attorney -

Joel H. Bennett # 281-389-2118





Huntsville has not respond

Texas Department of Criminal Justice  
**STEP 2** **OFFENDER**  
**GRIEVANCE FORM**

Offender Name: Agustin Calderon TDCJ# 2200225  
Unit: East Ham Housing Assignment: 10-18-T  
Unit where incident occurred: East Ham unit

**OFFICE USE ONLY**

Grievance #: \_\_\_\_\_  
UGI Recd Date: \_\_\_\_\_  
HQ Recd Date: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance Code: \_\_\_\_\_  
Investigator ID#: \_\_\_\_\_  
Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because... I really need extra time to research and file my P.d.r I have a time dead line to file this important documentation. In the court of criminal appeals. therefore warden Hutto and Supervisor Ms. Sperlock are in violation of policy, rules, procedures governing offender access to the courts counsel and public officials. Any offender who demonstrates the need for extra time for law library use should submit an I-60 to Atte Supervisor. therefore supervisor and warden Hutto are in violation of P.d 22 rule (22B) Harassing or Retaliating against an offender for participating for pursuing legal activities, such as petitioning the courts. (1) warden Hutto tells me my job is in my way, we haven't gone to work in 2 months (intentional retaliation) I asked to help me find a solution - tried to solve this issue through I-60 - step 1 (2) the new offenders are getting extra time this should be on record. I've been assisting law library for almost 2 years. (3) my criminal appeal process should be important I showed the supervisor Ms. Sperlock my attorney's letter saying that I have 30 days to file my P.d.r process. Warden Hutto and supervisor Ms. Sperlock are also in violation of P.d - 21 Discrimination - I truly feel I am being discriminated I see a lot of Black's get their extra time and whites as well. every thing is on record if you choose to investigate. Warden Hutto and supervisor Ms. Sperlock are also violating my constitutional guarantees under the 14 Amendment that protects and shields the prisoner to a successful appeal. Successful should be accompanied with extra time. All case cites requested, Access to books

Exhibit C



Texas Department of Criminal Justice

OFFICE USE ONLY

STEP 1 OFFENDER GRIEVANCE FORM  
Exhibit C, D go together.

Offender Name: Agustin Calderon TDCJ # 2200225  
Unit: East Ham Housing Assignment: K-1-18T  
Unit where incident occurred: East Ham unit

Grievance #: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance Code: \_\_\_\_\_  
Investigator ID #: \_\_\_\_\_  
Extension Date: \_\_\_\_\_  
Date Retd to Offender: \_\_\_\_\_

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Warden Muniz When? 6 months ago  
What was their response? no response  
What action was taken? no action was taken

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On March 6, 2020 I was waiting to go to the Law library around 3:15 AM 3:25 I asked the officer on duty what's up with the Law library he told me after count. The officer left out K-line and did not come back until after 4:00 AM. After telling the officer to be aware of Law library time officer choose to live. Therefore the officer on duty from 10:00 PM to 6:00 AM is in violation of P.D. 22 rule 41 Denial of uniform Access to courts no officers employees or agents of the T.D.C.J shall not interfere with Access to courts. As of right now I have a time deadline in the court of criminal Appeals. The court is waiting on my legal work product P.D.R Offender Calderon should have direct access to his Law library time. This is not a privilege it's my right under policy of courts and under the 14 Amendment Constitution in Texas and the United States of America. The officer never gave me his name after requesting it repeatedly this is another violation I also asked him if he could spell his name on a piece of paper officer ignored my request. Instead of helping the offender get out his cell officer choose to retaliate against him and his right but most important he's Denying me Access to court's. My neighbor could be my witness he had the same altercation about the officers name. My witness 1-17-B my cell mate Mr. Barrow witness my altercation with the officer on March 6, 2020. This is a repeated problem please put a stop to the same issue.



no response from Huntsville

Texas Department of Criminal Justice  
**STEP 2** **OFFENDER**  
**GRIEVANCE FORM**

Offender Name: Agustin Calderon TDCJ# 2200225  
Unit: East Ham Housing Assignment: K-1-18T  
Unit where incident occurred: East Ham Unit

OFFICE USE ONLY	
Grievance #:	_____
UGI Recd Date:	_____
HQ Recd Date:	_____
Date Due:	_____
Grievance Code:	_____
Investigator ID#:	_____
Extension Date:	_____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific).

I am dissatisfied with the response at Step 1 because... this is a repeated

misconduct and nothing has been done. There is violation's of T.D.C.J  
Policy, the policy is numbered B.P. 03.81 rules Governing OFFENDER Access  
to the Courts, Counsel, and public Officials. The OFFICER on duty on  
march 6, 2020 is also in violation of P.D 22 rule number 41 Denial of  
inform Access to Courts no OFFICERS employees or agents of the  
T.D.C.J. Shall not interfere with Access to Courts. I received Step 1  
on 4-1-2020 the first thing I did I asked my witness K-1-17-B. I  
asked him if they investigated with him he told me no. I asked my old  
cell mate Mr. Barrow if some one interview him on what happen on  
3-6-2020 my question is How did they investigate? If you check  
the camera you can see the OFFICER in front of my cell. I told  
him to be aware of law library time instead OFFICER choose to live out  
of K line and did not come back till 4:00 Am since our testimony doesn't  
are credibility the camera should-be my witness. In my point of  
view ASST Warden K. Hutto along with the OFFICER on duty on 3-6-2020  
I had a very important Legal visit with Mr. Schaefer #01713603 he  
was going to type my P.D.R On that day so to the OFFICER "intentional"  
misconduct I did not accomplish my Legal work. When your Facing  
a time dead line time is gold time is very valuable. I requested  
the important Legal visit with Supervisor Ms. Sperlock and it was  
Set for 3-6-2020. It should be documented. As you can see by  
ASST Warden K. Hutto response. he does not care about

Exhibit E



Texas Department of Criminal Justice

OFFICE USE ONLY

No response  
**STEP 1** OFFENDER  
GRIEVANCE FORM

Offender Name: Agustín Calderon TDCJ # 2200225  
Unit: East Ham Housing Assignment: K-1-18-T  
Unit where incident occurred: East Ham

Grievance #: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance Code: \_\_\_\_\_  
Investigator ID #: \_\_\_\_\_  
Extension Date: \_\_\_\_\_  
Date Retd to Offender: \_\_\_\_\_

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing. Supervisor from  
Who did you talk to (name, title)? Law library ms. Sperlock When? 3-13-2020  
What was their response? I am going to provide documentary of her response  
What action was taken? No Action Was taken.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On 3-8-2020 I put my indigent folder in the box. requesting emergency supplies. Officer kitchen denied me the supplies I received folder on 3-10-2020 sent it back on 3-11-2020 following Officer kitchen's instructions and the rules of B.P. 3.91 Justifying the emergency need for extra supplies I did submit my cause number. I also stated my time dead line in the court of criminal Appeals. now is 3-18-2020 I still haven't received my indigent folder. This misconduct is a repeated behavior on officer kitchen's behalf. my Freedom, life is depending on my legal work requested by the court of criminal Appeals. I am indigent and with out funds therefore Officer kitchen is in violation of B.P. 3.81 rules governing Offender Acces to courts, counsel, and public officials. How is Offender Calderon going to proceed without paper, pens?? Officer kitchen is also in violation of B.P. 03.91 Indigent supply. Officer kitchen is intentionally and with malice is "denying" me supplies and delaying me and finishing my legal work. I gave a good explanation on the back of Indigent supply request form. I am going to provide documentary evidence trying to solve the issue and trying to get the emergency supplies requested. my constitutional rights are being violated under 14 Amendment.

Directed to Warden menuiz





Texas Department of Criminal Justice

no response

STEP 1

OFFENDER  
GRIEVANCE FORM

Grievance #: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance Code: \_\_\_\_\_  
Investigator ID #: \_\_\_\_\_  
Extension Date: \_\_\_\_\_  
Date Retd to Offender: \_\_\_\_\_

Offender Name: Agustin Calderon TDCJ # 2200225  
Unit: East Ham Housing Assignment: K-1-D-T  
Unit where incident occurred: East Ham Unit

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Low library supervisor ms. sperlach When? 3-13-2020

What was their response? You have been issued carbon paper

What action was taken? no action

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Today 3-21-2020 while assisting the Low library Officer Kitchen confronted me she asked me why my indigent was going back. I've been waiting on my indigent folder since 3-11-2020. my indigent folder is not in compliance with the rules. Officer Kitchen instead of giving me a new indigent folder gave me an old and used indigent folder. DO to this misconduct. I never got my emergency indigent supplies. my time dead line with the court of criminal Appeals is over. ~~DO to Officer Kitchen's poor decisions and negative actions my life and freedom are in jeopardy. Therefore Officer Kitchen is in violation of P. 22 Rule 41 Denial of uniform Access to courts no officers employees or agents of the T.D.C.J. shall not interfere with access to courts. For the reasons stated this is my cause~~ 101-15-CR-3346 and my time dead line is do 3-23-2020. now my time dead line with the Court of criminal Appeal is over. DO to Officer Kitchen's poor decisions and negative actions my life and freedom are in jeopardy. Therefore Officer Kitchen is in violation of P. 22 Rule 41 Denial of uniform Access to courts no officers employees or agents of the T.D.C.J. shall not interfere with access to courts. For the reasons stated above. Officer Kitchen is also in violation of the 14 Amendment for not giving offender Calderon the right to fight back depriving me equal protection of the Law. now is offender Calderon going to finish his important documentation with out paper, pen's How was I suppose to send my legal work



STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Due: \_\_\_\_\_

Grievance Code: \_\_\_\_\_

Investigator ID #: \_\_\_\_\_

Extension Date: \_\_\_\_\_

Date Retd to Offender: \_\_\_\_\_

Offender Name: Agustin Calderon TDCJ # 2200225  
Unit: East Ham Housing Assignment: K-1-18-T  
Unit where incident occurred: East Ham Unit

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing. Practice manager  
Who did you talk to (name, title)? Mark Roberts When? 4-7-2020  
What was their response? medical can not help you  
What action was taken? no Action taken

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

In three different occasions I've requested medical attention do to severe headaches, chest pains, my health issues are being caused by second hand smoke of K-2. This is a medical issue because any problem with our health should be consider medical K-2 is a very dangerous drug to the human body, life. This are some of the consequences, permanent brain damage, chest pains, increase the odds of heart attack. Then again Practice manager mark Roberts tells me this is not a medical issue. Practice manager Mark Roberts is in violation of the Eighth Amendment that protects offender Calderon his right to medical care. The constitution guarantees prisoners the right to medical care. Offender Calderon is continuously suffering severe chronic pain it is so severe that sometime it wont go away. Practice manager mark Roberts as a doctor should not let me suffer like I am suffering. I truly feel like my Brain is not functioning like it used to, I lose concentration frequently, I forget things more often, I space out, headaches wont go away. What happen to the Texas health and Safety Code 981.102, 105.

evidence on grievance



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Due: \_\_\_\_\_

Grievance Code: \_\_\_\_\_

Investigator ID #: \_\_\_\_\_

Extension Date: \_\_\_\_\_

Date Retd to Offender: \_\_\_\_\_

Offender Name: Agustin Calderon TDCJ # 2200225  
Unit: East Ham Housing Assignment: K-3-12-T  
Unit where incident occurred: East Ham Unit

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing. Warden Muniz and  
Who did you talk to (name, title)? Unit Grievance Office When? 5-7-2020  
What was their response? no response  
What action was taken? no action

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

In several occasions I've wrote step 1 and the name of Phillips, Deborah. A position in the grievance office investigator comes up. It's been over 45 days and step 2 have not been answered. What happen to the step 1's and step 2? This violations are serious in the constitution. In order to exhaust - Administration Remedy's and proceed with a civil suit. I need answers. Investigator Phillips Deborah. A IS in violation of the 1, 5, 14 Amendment to the constitution. Under the 1 Amendment I have the right to petition the government for a redress of grievance. My question is what happen to my grievance?? Under the 5 and 14 Amendment offender Calderon has the right to due process of law. Investigator - Phillips is depriving offender Calderon the opportunity to go to court. If I don't recover my step 1 and step 2 Investigator Phillips will be in violation of policy B.P 3.81 rules Governing offender access to courts, counsel and public officials. Investigator Phillips will also be in violation P.J 22 rule (41) Denial of Uniform access to courts. No officer, employees or agents of the T.D.C.J shall not interfere with access to courts.

evidence on surveillance





Texas Department of Criminal Justice

OFFICE USE ONLY

STEP 1 OFFENDER GRIEVANCE FORM

Offender Name: Agustin calderon TDCJ# 2200225  
Unit: East Ham Housing Assignment: East Ham  
Unit where incident occurred: East Ham Unit

Grievance #: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance Code: \_\_\_\_\_  
Investigator ID #: \_\_\_\_\_  
Extension Date: \_\_\_\_\_  
Date Retd to Offender: \_\_\_\_\_

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? warden moniz and Unit grievance office When? 5-7-2020

What was their response? no response

What action was taken? no Action

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

In several occasions I've wrote step 1's. I've wrote the grievance Office asking for answers no response. Little, Karen L. duty as a investigator has done a poor job. After reviewing the grievance policy, rules and procedures it's the investigator job to investigate and pass it along to Assist Warden Johnson or assist warden K. Hutto or what ever personnel she needs to abide by. It's been over 45 day's and my step 1 have not been answered. my question to Investigator - Little Karen L. what happen to my step 1?? I need answers. Investigator This violations are serious in the constitutions and policy. In order to exhaust Administrative Remedy's I need answers from my step 1. Investigator is violating the Constitution under the 1, 5, 14 Amendment. Under the 1 Amendment I have the right to "petition" the government for a redress of grievance under the 5 and 14 Amendment. Offender calderon has the right to due process of Law. Under grievance policy and the Constitution, Investigator Little - IS depriving offender offender Calderon the opportunity to go to court. IF I don't recover, my step 1 Investigator Little will also be in violation of Policy B.P 3.81 rules Governing Offender Access to Courts, Counsel and public Officials.



Texas Department of Criminal Justice

This was submitted on June 12 2020  
OFFENDER

STEP 1 GRIEVANCE FORM

Grievance #: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance Code: \_\_\_\_\_  
Investigator ID #: \_\_\_\_\_  
Extension Date: \_\_\_\_\_  
Date Retd to Offender: \_\_\_\_\_

Offender Name: Agustin Cardenon TDCJ # 2200225  
Unit: East Ham Housing Assignment: East Ham unit  
Unit where incident occurred: East Ham unit

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? N/A When? N/A  
What was their response? N/A  
What action was taken? N/A

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I am appealing the results of a disciplinary hearing case # 20200208356. On 6-4-2020 I told the officer in charge that I was going to refuse houseins do to safety issues. "Sergeant" Han" came and Interrogated me. After hearing my testimony she send me to the desk. The Lieutenant in charge of the desk on 6-4-2020 Interrogated me. After hearing my safety issues he told me he was going to move me. Lieutenant then order an officer to escort me to my cell get my stuff and move me to K-2-12-T. In the course of moving Officer Adkisson told the officer that was escorting me to take me to row. I asked the escorting officer "What was wrong" he told me the guy in K-2-12-B doesn't want you there. My movement was ordered by lieutenant in charge of the desk. I was following the orders of the officer that was escorting me. Officer Adkisson offens discription is questionable. Offender Cardenon did present non-frivolous evidence during hearing. While is true that would contradict the facts alleged in the disciplinary report. How come Officer Adkisson did not include the Assisting officer as a witness? How come the Disciplinary officer didn't can the Lieutenant in charge on 6-4-2020 to "discredit" my testimony? How come Disciplinary officer didn't Ask the name of the officer that escorted me and Assisted Officer Adkisson with the

Case 4:20-cv-02195 Document 1 Filed 06/22/20 in TXSD Page 32 of 44  
Hi warden muniz Sorry to bring you my problems and issues. On  
3-23-2020 I submitted the grievance I am presenting to you.  
K. Little told me this Redundant, Refer to grievance 2020092886.  
In my point of view is, Way different Argument with the same  
violations can you please help me process the grievance I am  
presenting to you. Since Officer kitchen seems to think my life  
is a game. as you are aware this is a repeated behavior.  
Do to Officer kitchen's negative Actions I lost this  
important step in my appeal process, thank you for your tin

Agustin Calderon 2200225 East Ham 'Exhibit'  
Administration Directed Field Squad  
Warden muniz 3-25-2020  
East Ham unit.  
Identical I-60

Hi warden muniz I am so sorry to bother you with my issues.  
can you please help me process this grievance, In several  
occasions my step 2 dont get answered. I dont even know if  
they get processed. hopefully you may consider all my problems  
which are very serious. I take my health, life and wellbeing  
very serious hopefully you senior warden can understand me  
just imagine your self in my shoes.

Agustin Calderon 2200225 East Ham  
K-1-18-T Field Squad  
Senior warden: muniz 4-5-2020  
Administration  
East Ham unit I-60

Exhibit K

Documentary evidence Explaining Senior warden muniz  
my problems with grievance Investigator,

To: Senior Warden Monroe  
Exhibit L  
Case 4:20-cv-02195 Document 1 Filed 06/22/20 in TXSD Page 33 of 44  
4-12-2020  
Identical hand written complaint-  
From: Agustin Calderon  
Hi I hope when you receive this letter/complaint it finds you well. the reason for this letter/complaint is because I offender Calderon will like to prove to you senior warden how much this officers, and the grievance office are united. In my point of view they are like Organise crime they do what they want to do any way's warden K. Hutto is in our side any way's warden, Johnson is in our side. In several occasions I've proved several violations of different officers and the same misconduct keep's on happening specially the personnel from the Law library and some of this African officers that seem to think assisting the Law library is not important. What I get out of all this. my constitutional guarantees are not important my constitutional rights are being stomped on. I really need your help on processing the upcoming grievances that I am going to send you. I've requested some information on two important step 2 and no answer from the grievance office I would like to see if you can push the grievance office into giving me answers. I will provide you with copy's identical copy's of the grievances they don't want to answer. to tell you the truth. I don't care about too much on what goes on around here but when it come to my life, freedom, criminal Appeal process it's a different ball game. I'm almost sure you know were this is going to. To court I am not only doing it for my self but for how ever wants to fight for their freedom. After being wrongfully convicted I have the wrong concept of the judicial system. If you can not help me please send back documentary evidence. When a group of people are operating as criminals they have guy's that do their dirty work on the 4-11-2020 my cell mate lost his dope after not finding it he threaten me. On 4-12-2020 he threaten me because all I want to do is my legal work. that he feels the light shouldn't be on at 3:00 in the morning



THIS is a identical hand written complaint. Proving you your honor my emergency need for help. Exhibit

TO: Major Andrew

Unit: East Ham Unit Date: 5-5-2020

From: Agustin Calderon

No: 2200225 housing K-1-B-T

Job: Field Squad

Exhibit M

On 5-5-2020 I came back from S-Line From being sick From corona virus as soon as I came in the cell my cellmate got real upset because I wrote Prea and told them the truth, he threaten me. Which is the truth. How ever is in charge of Safety in this situation which is you major Andrew I better you are creating conflict. Why should I lie about such serious allegation. Now my cell mate is furious he told me Prea confronted him. Dont Safety understand that we are not getting along. Any thing can happen I mite get killed or hurt I truly feel the tension and some danger. Can you please Move me out of this cell. As soon as possible. Now I understand why offenders kill each other and rape one another. Safety doesn't take complaints serious. The incidents occur here in K-line. Warning If something happens to me physically I am going to try my Best major Andrew you Face legal Consequence. Please consider my issues. Directed To: Major Andrew.

The Following wording is set apart from the complaint above. I truly dont understand why Safety puts my life on danger on 5-5-2020 After making a threatening complaint they rehoused me with the Aggressor. I almost got beat up. On 5-6-2020 officer hate was on duty I told him that me and my cell mate were not getting along, wen he moved me out of the cell. You can see my arrival on 5-5-2020 and you can see my departure on 5-6-2020 but U.C.C Chairperson's Assit warden B. Johnson found my allegations unsubstantiated on 4-30-2020 But I got kicked out the cell. My cell mate told me If something bad is going to happen If I didn't leave. Now I am even worse I've made complaints of my new violent cell mate. telling them this is not going to work. On 5-27-2020 my new cellmate was physically fighting with other offender the camera is my wall. 8:00 AM 9:00 AM

After Five Days Return To  
TEXAS BOARD OF CRIMINAL JUSTICE  
PREA Ombudsman Office  
P.O. Box 99  
Huntsville, Texas 77342



U.S. POSTAGE >> PITNEY BOWES

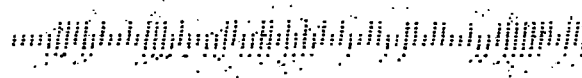


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K-3-12T

CALDERON, Agustin #2200225  
Eastham Unit  
2665 Prison Road #1  
Lovelady, Texas 75851

75851 35609 P001



TO: CALDERON, Agustin #2200225

UNIT: Eastham

FROM: PREA (Prison Rape Elimination Act) Ombudsman Office

SUBJECT: SA- 201905310-00007

You should always attempt to resolve your problem informally at your unit with staff, department and security supervisors, or the warden. Verbally communicate the problem, or submit an I-60 Offender Request to Official. Sending your concerns to the wrong department or agency is inappropriate and only delays valuable response time. Your prison-related issues can be addressed in a timely manner by directing them to the appropriate responsible TDCJ department listed below.

☒ **The PREA Ombudsman Office only responds to allegations of sexual abuse and sexual harassment. All other issues are returned for you to contact the appropriate unit staff with your concerns. If informal contact (verbally or I-60) with unit staff does not address your concerns you may then utilize the grievance procedure.**

☒ **Offender Grievance Procedure:** Issues regarding unit operations, disciplinary disputes, property issues, mail or any other matter relating to conditions of care or supervision may be formally addressed through the Offender Grievance Procedure if informal contact (verbally or I-60) with unit staff does not address your concerns. Submit your Step 1 grievance to the Grievance Department at your unit. If you appeal a decision to the next level, you must submit a Step 2 grievance along with the original answered Step 1 grievance to the Grievance Department at your unit. Allow ample time for the Grievance Department to investigate your complaint and return a reply to you. Step 2 grievances are reviewed by the regional authority or the Central Grievance Office if you are dissatisfied with the response on the Step 1. Directing grievances to unrelated offices may result in expiration of your grievable time period.

If you wish to comment on the effectiveness and credibility of the grievance procedure, write a letter or send an I-60 request form to the grievance investigator at your unit, or forward to the Central Grievance office at P.O. Box 99, Huntsville, TX 77342-0099.

If you have already pursued the issue through the Offender Grievance Procedure at Step 1 and Step 2; no other administrative remedies are available to you regarding the issue. You may pursue the matter in any manner you choose outside of the agency.

☐ **Offender Protection Issues (OPI):** Immediately contact a correctional officer; security supervisor; warden; assistant warden; or the Classification Department at your unit.

☐ **Medical Care:** The unit physician is the primary care provider at the unit level and is responsible for the determination of medical treatments, medications, medical restrictions, and scheduling of services. You should attempt to resolve your problem at the unit level first by contacting the unit medical administrator in writing (sick call request or I-60 request form) for assistance. Subsequently, if you are not in agreement with the provider's response you may utilize the grievance process. You will not be transferred for medical reasons without the approval and recommendation of unit health care providers.

☐ **Office of Inspector General (OIG) Investigation:** Complaints or allegations relating to excessive or unreported use of force, physical harm by staff, or any crime committed by an offender or employee on state property should be directed to the Office of Inspector General, Investigation Division at P.O. Box 4003, Huntsville, TX, 77342. Full details must be provided in order to initiate an investigation in this manner.

☐ **Classification:** Issues related to time disputes; time calculations; sentencing; concurrent time and stacked time; jail time; forfeited good conduct time; back dated good conduct time; class; promotions; cell assignment; or information on various programs should be directed to the Classification Chief at your unit or the Classification & Records Department at P.O. Box 99, Huntsville, TX, 77342-0099.

☐ **Parole:** Parole review status issues should be directed to the Board of Pardons and Paroles at P.O. Box 13401, Capitol Station, Austin, TX, 78711.

☐ **Transfer:** Offenders are not at liberty to choose their unit of assignment. Notify the Classification Department at your unit if you have a reason that warrants a transfer. A request for a hardship transfer may be made if an immediate family member, listed on your approved visitation list, is unable to travel long distances. To be considered, you must be at least L1/G3, with no major disciplinary cases for 1 year and more than 200 miles from home. The family member may submit their request along with a letter from their doctor to verify the medical disability to Joni White, TDCJ-Classifications & Records Department at P.O. Box 99, Huntsville, TX, 77342-0099. A transfer is not guaranteed, but the request will be reviewed for consideration.

☐ **Religion:** Any issue related to religious programs; services; holidays; or activities should be directed through the Chaplain at your unit or the TDCJ Chaplaincy Department at P.O. Box 99, Huntsville, TX, 77342-0099.

☐ **Education:** Issues related to education should be directed to the Windham School Principal at your unit. Continuing Education issues should be directed to Windham School at P.O. Box 40, Huntsville, TX, 77342. You will not be considered for educational transfer without Windham recommendation.

☐ **Trust Fund & Commissary:** Issues related to your commissary account should be directed to Inmate Trust Fund at P.O. Box 629, Huntsville, TX, 77342. Issues related to commissary purchases, items stocked, or special requests should be directed to the commissary supervisor at your unit.

☐ **Food Service:** Issues related to meals, sack lunches, or special diet menus should be sent to the food service manager for resolution at your unit. If the issue is not resolved at the unit level, then contact the Director of Food Service at P.O. Box 99, Huntsville, TX, 77342-0099 or utilize the Grievance Procedure.

☐ **Legal Assistance:** Issues such as conviction appeal, detainers, divorce, or child support should be directed to an offender's attorney or State Counsel for Offenders, Legal Services Section at P.O. Box 4005, Huntsville, TX, 77342-4005.

☐ **Law Library:** All offender legal issues related to unit operations such as, access to courts; legal visits with other offenders; world attorney visits; indigent, legal or correspondence supplies; postage; policy; and state law information requests should be directed to the law library supervisor at your unit or researched yourself in the unit law library. If you disagree with a response from the law library staff, you may utilize the Grievance Procedure.

☐ **Security Threat Group (STG):** If you feel you have been incorrectly identified as a member of a security threat group, or wish to begin the disassociation process, you should contact the Security Threat Group Officer (STGO) at your unit. The STGO will know the proper procedure to follow in having your STG status reviewed. You may also write to the Security Threat Group Management Office (STGMO) at P.O. Box 99, Huntsville, TX, 77342-0099. However, the STG Management Office relies more on requests and information submitted to them by the Unit STGO than directly from offenders.

☐ **Lockdowns & Shakedowns:** Unfortunately, offenders who had nothing to do with a disturbance are often included in a lockdown, and all offenders at a unit are affected by a semi-annual shakedown. The procedures for implementing a lockdown or shakedown are well established and have proven effective in restoring order and ensuring the security of the unit, as well as the safety of offenders and staff. That does not mean the process is pleasant for offenders or staff. If you feel procedures violate policies, you may utilize the Grievance Procedure.

**NOTE: The Executive Directors Office does not respond to offender complaints or requests.**



From: Agustin, Calderon #2200225

Hl prea I hope this letter finds you well. I'm writing ya'll because I truly need some help. On 4-13-2020 I sent a letter requesting help. How ever came and did the investigation did a poor job. I almost got severely beaten by the guy I made the complaint against they put me in the same cell with the Aggressor he confronted me that prea came and take to him the guy was furious. To tell ya'll prea the truth I know Assistant Warden B. Johnson covers he's people along with administration, classification and some of the personnel in UCC. This is a great example of how much they care about my safety. Let's put him back with the Aggressor. My question is How does that? After suffering from Corona virus I was moved on 4-21-2020 to solitary, my question is how did they investigate? almost no body cares about me here in East Hon unit because I am not a crazy fagot, I am not bisexual, verse fagot, or guy. I Mr. Calderon I am a straight men. Thanks to Officer Hale I got moved on the 5-6-2020 around 9:30 AM in the morning thanks to Officer Rocha witnesses. the camera is my witness as well of my arrival on 5-5-2020 and the move on 5-6-2020, Warden B. Johnson and U.C.C. committee determined the investigation to be unsubstantiated. I am proving to ya'll prea how much the prison official lie and cover up there B.S. How ever is in charge of the moves. Did a bad move this guy here tells other offenders he wants to get wild & act wild talk wild. he just screams out loudly hrs a day. I suspect this guy is kind of crazy every time I get down he creeps behind me. he thinks I am masturbating all night long. Can ya'll please have a serious

Hi Maor sorry to bother you with my problems. on 5-6-2022  
I got moved to 3-12-T After my cell mate threaten me  
I really hate to cause my mate unnecessary problems in  
my point of view it's up to you and your officer duty's  
How ever moved me here is wrong, my new cell mate tells  
other offenders he wants to act wild, he screams out  
loudly at least 6 hrs a day. I do have patience but that's  
not the issue here. I know sooner or later this guy is not  
going to like my ways of showing him disrespect. I can  
scream as well when his sleeping I can be loud as well. This  
is going to be a conflict can you please move me out I  
truly feel like some one is being prejudice, I never get a  
hispanic cell. I kind of know the guy in 3-11-B he's quite and  
easy going he was my neighbor in J time. I have good reasons  
to take care of my wellbeing.  
1. my behavior is very important to Judges, Attorney's  
2. I am appealing my case I am in direct Appeal as of right now.  
3. I am easy going, respect everyone, I am quite, friendly  
4. I am innocent of the allegations the State is making against  
me.  
5. I don't like to fight, I try to respect my cellmates. Please  
consider my criminal Appeal process. My life, Freedom is  
depending on me and you. How ever moved me here I did a  
wrong and bad move.

## Complaint

Hi Doctor this is a complaint regarding my health. you are starting to violate the Eighth Amendment that guarantees his constitution right to medical care. I understand this is not Free world medical attention but my health is getting worse and worse with in the course of time.

1. now I Feel pressure inside my head. I assume is because I need more oxygen. my Brain needs more oxygen.

2. ~~now~~ I am suffering from shortness of breath.

3. now bugs wont stop coming out.  
there is another dispute. the only reason I refuse the appointment on march 9, 2020 is because of a time dead criminal appeal process. this is a dispute because medical procedures are interfering with my right of <sup>review</sup> <sup>Policy</sup> Access to courts this means you are violating another 14<sup>th</sup> Amendment. I showed you my letter stating my time dead line and Appeal procedures. you told me what does this has to do with you. It has a lot to do with you. It is your job to explain U.T.M.B my Appeal process and try to make sure medical appointments are not in my way. I encourage you to consult with the Suprem Court. right now my Appeal process is on hold. please talk to U.T.M.B to push my appointment. It was not normal to me they came in the middle of a Criminal Appeal time dead line. you Don't know what the results may be I mite stay in the hospital for days, weeks or even month's. push my health issues to be solved while I am free. Thankyou.



## Texas Department of Criminal Justice

OFFICE USE ONLY

# STEP 1

## OFFENDER GRIEVANCE FORM

Offender Name: Agustin Calderon TDCJ# 2200225  
 Unit: East Ham Housing Assignment: K-3-2-T  
 Unit where incident occurred: East Ham Unit

Grievance #: \_\_\_\_\_  
 Date Received: \_\_\_\_\_  
 Date Due: \_\_\_\_\_  
 Grievance Code: \_\_\_\_\_  
 Investigator ID #: \_\_\_\_\_  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: \_\_\_\_\_

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing. Warden Johnson and

Who did you talk to (name, title)? Senior Warden Munoz When? 5-7-2020  
5-26-2020

What was their response? no response

What action was taken? no Action

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

In several occasions I've wrote step 1's. First I wrote the grievance office asking for answers no response. on 5-7-2020, then decided to research. After reviewing 3 different grievance policy's I ~~found out~~ found out that Assist Warden Johnson is in charge of answering step-1's on 5-26-2020 I requested Assist Warden Johnson help no response to my complaint or Action taken. This violations are serious, in the constitution, Assist Warden Johnson is violating grievance Policy-Board-BP.03.77 he is denying the appropriate documentation to go to court. he is also violating grievance Authority and Policy A.D.03.82-Management of Offender Grievances. The purpose of this policy is to enable the development, implementation, and operation of a grievance program for offenders within the T.D.C.J and provide documentation to the courts. therefore Warden Johnson is also violating the immunities secured by the constitution and Laws. Offender Calderon have a Fundamental right to access and use the court system. This right is based on the First, Fifth and Fourteenth Amendments to the Constitution. Under the First Amendment I have the right to "petition" the government for a "redress" of grievances and under the Fifth and Fourteenth Amendment I have the right to due process of Law. If I don't recover my step 1 Assist Warden Johnson will also be in violation of "Policy" B.P.3.81 rules Governing Offenders Access to courts, Counsel and public officials.

To: Assist, Warden Johnson East Ham Unit Date: 5-20-20  
From: Agustin Calderon No: 2200225 housing K-3-12-T  
Job: Field squad copy hand written Complaint Exhibit P

Hi Assist Warden Johnson, After reviewing grievance, procedures and guidelines now I am aware that you assist Warden Johnson are part of grievance procedures. Part of your job is to answer my step 1 when the investigator pass the grievance to your command. I will like to bring my problems to your attention. 4 of my step 1 have not been answered. time limitations has expire. I wrote the grievance office no response. I wrote up the investigators your colleagues. to my knowledge investigators pass the grievance on to you. Please talk to the investigators if they feel they shouldn't answer give me a written notice on why there isn't a response. Assist Warden Johnson I would like to let you know this is a complaint, there's procedure violations, constitutional violations, policy violations, and more. Please help offender Calderon look for answers soon thank you.



10. An Honorable Judge  
Case 4:20-cv-02195 Document 1 Filed 06/22/20 in TXSD Page 42 of 44  
Identical hand written copy, trying to get medical attention.  
H) Doctor I am currently being housed with guy that smokes K-2  
[ constantly get severe headaches I've been smelling this smoke for  
3 months. this drug is very dangerous this are some of the consequences  
Permanent brain damage, increase odds of heart attack,  
now I get stab pains in my heart because of such smoke it  
can cause death, A controlled substance is any chemical,  
substance, narcotics, substances of abuse Following Texas Health and  
Safety Code 481, 102, 103, the health risk posed by involuntary  
exposure environmental tobacco or any smoke (ETS) can form  
the basis of an Eighth Amendment violation. What can you do  
for me, I am out of my pain med for my back so I don't have  
pain med's this headache won't go away.

name: Agustin Calderon no: 2200225 unit: East Ham  
Living quarters K-1-18-T work assignment: Field Squad  
To: medical mark, Roberts Date 4-7-2020  
2) ADDRESS: East Ham Unit I-60 (PR 11-90)

Hi mark-R sorry to bother you with my issues. On 1-9-2020 I  
requested medical attention do to severe headaches and bad  
chest pains this medical issue was brought to the Doctor attention  
this health issues are being caused by second hand smoke or K-2  
they denied me medical attention. my question to you mark-  
Roberts What can you do for me? Keep in mind offenders die  
do to K-2 offenders get brain damage do to K-2 offenders  
can get heart attacks. my health is at risk do to second  
hand smoke do to K-2 I feel very sick help me find a  
solution to this repeated health issues that were brought  
to Doctor attention: name: Agustin Calderon no: 2200225

unit: East Ham Living quarters: K-1-18-T work assignment: Field Squad 2  
mark. Roberts answer: Treatment decisions me the authority  
of the medical provides. Refer your questions regarding K-2  
to security

Mr. Roberts 4-14-2020





## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: Agustin Calderon TDCJ # 2200225  
 Unit: East Ham Housing Assignment: K-3-2-T  
 Unit where incident occurred: East Ham Unit

## OFFICE USE ONLY

Grievance #: \_\_\_\_\_  
 UGI Recd Date: \_\_\_\_\_  
 HQ Recd Date: \_\_\_\_\_  
 Date Due: \_\_\_\_\_  
 Grievance Code: \_\_\_\_\_  
 Investigator ID#: \_\_\_\_\_  
 Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific).

I am dissatisfied with the response at Step 1 because... What I am worried about is my health, and the harm and impact K-2 second hand smoke has cause in my health. I don't smoke K-2. So how I am I going to explain my health issues?? When I go to the Doctor the first thing they ask what's the problem what do you feel etc. K-2 is a very dangerous drug to the human body. This are some of the consequences, permanent brain damage, chest pains, increase the odds of heart attack. It's not offender Calderon job to gather evidence (E.T.S) so I can prove my suffering and allegations are true it's mark Roberts job, the Doctors job. I am still suffering severe cronic pains in my Brain that won't go away I still get chest pains to the degree that I feel my heart is going stop, I lose concentration frequently. After smelling <sup>expose</sup> K-2 second hand smoke for 8 months, I truly feel like my health isn't in the same conditions. Offenders lie do to K-2 substance my question was? What happen to the Texas health and safety code 481, 102, 105. Practice manager mark Roberts should not let me suffer like I am suffering, therefore mark Roberts is in violation of the Eighth Amendment that protects offender Calderon his right to medical care. In tree different occasions I requested medical attention no action taken. The Constitution guarantees prisoners the right to medical care. Offender Calderon is continuously suffering severe



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

K-3-12T

Offender Name: Agustin Calderon TDCJ # 2200225  
Unit: East Ham Housing Assignment: K-1-18-F  
Unit where incident occurred: East Ham Unit

OFFICE USE ONLY

Grievance #: 2620116900  
Date Received: MAY 07 2020  
Date Due: 6/24/20  
Grievance Code: 624  
Investigator ID #: 22597  
Extension Date: \_\_\_\_\_  
Date Retd to Offender: JUN 01 2020

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing. Practice manager  
Who did you talk to (name, title)? Mark Roberts When? 4-7-2020  
What was their response? medical can not help you  
What action was taken? no ACTION taken

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

In three different occasions I've requested Medical attention  
do to severe headaches, chest pains. my health issues are  
being caused by second hand smoke of K-2. This is a medical  
issue because any problem with our health should be consider  
medical. K-2 is a very dangerous drug to the human body,  
life. This are some of the consequences, permanent  
brain damage, chest pains, increase the odds of heart  
attack. Then again Practice manager Mark Roberts  
tells me this is not a medical issue. Practice Manager  
mark Roberts is in violation of the Eighth Amendment  
that protects Offender Calderon his right to Medical  
Care. The Constitution guarantees prisoners the right  
to medical care. Offender Calderon is continuously  
SUFFERING Severe Chronic Pain it is so severe that some  
times it won't go away. Practice manager Mark Robert  
as a Doctor should not let me suffer like I am  
SUFFERING. I truly feel like my Brain is not  
Functioning like it used to, I lose concentration  
Frequently, I Forget things more often. I space out,  
headaches won't go away. What happen to the  
texas health and Safety Code 481, 102, 105. MAY 07 2020

MAY 07 2020